

**FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD**

**The Biltmore Hotel  
1200 Anastasia Ave  
Coral Gables, FL 33134  
305.445.1926**

**September 12 – 14, 2012**

**MEETING MINUTES  
Approved January 11<sup>th</sup>, 2013**

**Board Members Present**

Jerry Hussey, Chair  
Robert Moody, Vice Chair  
William Sheehan  
James Evetts  
Roy Lenois  
Jacqueline Watts  
Christopher Cobb  
William “Brian” Cathey  
Albert Korelishn  
Mark Pietanza  
Paul Del Vecchio  
Aaron Boyette  
Ed Weller  
Carl Engelmeier

**Board Members Absent**

Richard Kane  
Michelle Kane  
Kristen Beall

**Others Present**

Drew Winters, Executive Director, DBPR  
Amanda Wynn, Government Analyst, DBPR  
Donald Shaw, Regulatory Consultant, DBPR  
Daniel Biggins, Legal Advisor, AGO  
Paul Waters, Chief Prosecuting Attorney, DBPR

## **ADDITIONAL BUSINESS ENTITIES REVIEW**

***Division I board members met for Additional Business Entities Review on September 12, 2012 from 1:09 pm – 3:08 pm. Mr. Boyette led the meeting. Of the 28 applications scheduled for review, 17 were approved, 1 was approved contingently, 3 were denied, and 7 were continued.***

### **APPROVED (17)**

Bloxham, Norman  
Brown, William  
Derrer, William  
Donton, Jason  
Fairbanks, Charles  
Fernandez, Joe  
Graber, Ric  
Greener, Andrew  
Grooms, Gregory  
Gutierrez, Robert  
Judd, Benjamin  
Martin, Douglas  
Patterson, Mathew  
Stevens, John  
Wardeberg, Gregory  
Yates, William  
Zettle, Brian

### **CONTINGENT APPROVALS (1)**

Vilella, Josue – *Contingent upon submitting a licensing bond or irrevocable letter of credit within 30 days*

### **DENIED (3)**

Cavalier, John  
Mitchell, Gary  
Padron, David

### **CONTINUED (7)**

Anastasi, Robert – 120 days  
Cabibbo, John – 60 days  
Clarke, Keith – 120 days  
Facey, Christopher – 60 days  
Rowe, Larry – 60 days  
Sergi, Sherry – 60 days  
Zuloaga, Daniel – 30 days

***Division II Board members met for Additional Business Entities Review on September 13, 2012 from 2:05 – 2:42 pm. Mr. Pietanza led the meeting. Of the 9 applications scheduled for review, 8 were approved and 1 was continued.***

APPROVED (8)

Aguirre, Jaime  
Bass, Kevin  
Dabney, Douglas  
Fernandez, Isabel  
Gugino, Robert  
Hloska, Christopher  
Neill, Douglas  
Schuetze, Steven

CONTINUED (1)

Anastasi, Robert – 120 days

**APPLICATION REVIEW**

***Division I Board members met for Application Review on September 12, 2012 from 3:27 – 5:00 pm. Mr. Cathey led the meeting. Of the 28 applications scheduled for review, 5 were approved, 2 were contingently approved, 6 were continued, 11 were denied, 2 were withdrawn, and 2 were pulled.***

APPROVED (5)

Givens, Dale  
Hope, Leslie  
Kohn, Thomas  
Larocca, Daniel (as a downgrade to a CBC license)  
Petri, James

CONTINGENT APPROVALS (2)

Steffens, Joseph – *Contingent upon submitting proof of a credit score higher than 660, a licensing bond, or an irrevocable letter of credit.*  
Westphal, Jeffrey – *Contingent upon submitting more detailed experience*

CONTINUED (6)

Hersey, Richard – 120 days  
Martinez, Eduardo – 30 days  
Patel, Ketan – 60 days  
Schafstall, Charles – 120 days  
Sternfels, Kirby – 120 days  
Walden, William – 30 days

DENIED (11)

Beck, Louis  
Domando, Thomas  
Mangan, Thomas  
Petitt, Wilson  
Rojas, Victor  
Rose, Lee  
Simmons, James  
Taylor, Eric

Taylor, Terrance  
Trujillo, Benny  
Whelchel, Thomas

WITHDRAWN (2)

Gonzalez, Oscar  
Patel, Vinu

PULLED (2)

Ball, Joseph  
Distelhurst, Matthew

***Division II Board members met for Application Review on August 9, 2012 from 3:16 – 4:38 pm and again from 4:43 – 5:15 pm. Ms. Watts led the meeting. Of the 25 applications scheduled for review, 11 were approved, 2 were approved contingently, 2 were continued, 6 were denied, and 4 were withdrawn.***

APPROVED (11)

Eiland, Michael  
Hampton, Derin  
Laroche, Philip  
McPherson, Shaun  
Mouyos, Christopher  
Powell, Douglas  
Smith, Styles  
Spadaro, Jeffrey  
Spegal, Brian  
Tripp, Michael  
Vitale, George

CONTINGENT APPROVAL (2)

Brewer, Ronnie – *Contingent upon submitting proof of satisfaction of outstanding lien, or a payment plan for the lien, within 90 days*  
Staley, Dean – *Contingent upon showing proof of 50% ownership in the company*

CONTINUED (2)

Taylor, Richard – 60 days  
Teague, Kenneth – 30 days

DENIED (6)

Ashmead, Michael  
Bowersox, Paul  
Fortier, James  
Lauer, Wayne  
Neal, John  
Patel, Dinesh

WITHDRAWN (4)

Justis, Jeffrey

Lessig, David  
Sayeed, Farrukh  
Tice, Justin

*Division I voted unanimously to ratify the list of financially responsible officer applications.*

*Division II voted unanimously to ratify the list of financially responsible officer applications.*

## **PROBATION**

***The Division I Probation Committee convened on September 13, 2012 from 1:09 – 1:37 pm. Mr. Evetts led the meeting.***

**Robert Ambrosius, CGC1519002**  
Result: Satisfactory

**Gary Ansley, CBC036329**  
Result: Satisfactory

**Scott Berman, CGC1509450**  
Result: Satisfactory

**Duane Bowman, CGC1518502**  
Result: Satisfactory

**Mary Coraci, CGC1520419**  
Result: Probationer provided information to Board Staff showing her credit score was above 660, and was subsequently taken off probation

**Miguel Caro, CGC1520409**  
Result: Unsatisfactory

**Antonio Cartelle, CGC1516713**  
Result: Satisfactory

**Cleo Davis, CGC1520462**  
Result: Satisfactory  
Request for early termination of probation was **denied**

**Patricia Fernandez, CRC1329204**  
Result: Stay of Suspension Lifted

**Larry Grashel, CRC1330606**  
Result: Satisfactory

**Robert Parker, CBC1258274**  
Result: Unsatisfactory

**Luis Perez, CRC1330244**

Result: Satisfactory

**J.C. Sanders, CBC060567**

Result: Satisfactory

**Chad Taylor, CGC1519945**

Result: Unsatisfactory

**Laura Young, CBC1258089**

Result: Satisfactory

***The Division II Probation Committee convened on September 13, 2012, from 1:47 – 1:57 pm. Mr. Korelishn led the meeting.***

**Humbert Collins, CFC1427676**

Result: Satisfactory

**Dan Deekman, CCC1328830**

Result: Satisfactory

**Edward DeJesus, CAC058733**

Result: Stay of Suspension Lifted

**Victor Fermin, CPC057051**

Result: Stay of Suspension Lifted

**Joseph Gales, RC0067405**

Result: Stay of Suspension Lifted

**Ali Hanine, CAC1814604**

Result: Satisfactory

**Jose Mondragon, CAC1815894**

Result: Satisfactory

**Richard Powell, CAC1816374**

Result: Satisfactory

**Jose Ruiz, CFC1427081**

Result: Satisfactory

**Polynne Soares, CCC1329580**

Result: Stay of Suspension Lifted

## **GENERAL SESSION**

The meeting was called to order by Jerry Hussey, Chair, at 9:36 am. Ms. Watts gave the Invocation. Mr. Evetts led the Pledge of Allegiance.

### **EXECUTIVE DIRECTOR'S REPORT – DREW WINTERS**

Mr. Winters gave the following report:

NEED AUDIO or TRANSCRIPT

With nothing further to report the board voted unanimously to approve this report.

### **CHAIRMAN'S REPORT – JERRY D. HUSSEY**

Mr. Hussey gave the following report:

NEED TRANSCRIPT

With nothing further to report the board unanimously to approve this report.

### **PROSECUTING ATTORNEY'S REPORT – PAUL WATERS**

Mr. Waters gave the following report:

For the month of August 2012, the overall case load was 337, up from 300 in July of 2012, and down from 555 in August of 2011.

There were 71 cases currently in Legal to be reviewed, 37 cases set for probable cause, and 45 cases where probable cause had been found/administrative complaints filed. 0 settlement stipulations had been approved, 1 informal hearing had been requested, and 6 cases were awaiting outside action. 9 cases were ready for default, 11 had requested formal hearings, and 6 cases were referred to DOAH. 5 cases were in settlement negotiations, 7 cases were pending board dates, and 42 cases were set for board presentation. 97 cases were awaiting final orders. 0 cases were under appeal and 0 cases had been reopened.

For the month of August 2012, 67 cases were closed.

With nothing further to report the board voted unanimously to approve this report.

### **ATTORNEY GENERAL'S REPORT – DANIEL BIGGINS**

#### **STANLEY CHEN – REQUEST FOR INFORMAL HEARING**

Mr. Chen was present.

Mr. Biggins presented this case stating Mr. Chen's application for initial issuance of a certified general contractor's license was denied at the July 2012 meeting of the board

for failing to demonstrate the required experience. The Notice of Intent to Deny was filed in August of 2012. Mr. Chen timely requested board reconsideration.

After discussion the board voted to uphold the denial of the application.

#### **STEVEN CLEVELAND – REQUEST FOR INFORMAL HEARING**

Mr. Cleveland was not present but his hearing be continued 30 days until the next meeting.

After discussion the board voted to grant the continuance.

#### **ALFREDO GARCIA – REQUEST FOR INFORMAL HEARING**

Mr. Garcia was present.

Mr. Biggins presented this case stating Mr. Garcia's application to qualify an additional business entity was denied at the June 2012 meeting of the board for failing to appear, as required by Rule 61G4-15.0021, Florida Administrative Code. The Notice of Intent to Deny was filed in July 2012. Mr. Garcia timely requested board reconsideration.

After discussion the board voted to approve the application, contingent upon the owner of the company Mr. Garcia sought to qualify, Florida A/C Systems, LLC, obtaining the Financially Responsible Officer license.

#### **JOHN GUSTI – REQUEST FOR INFORMAL HEARING**

Mr. Gusti was present.

Mr. Biggins presented this case stating Mr. Gusti's application for initial issuance of a certified roofing contractor's license was denied at the June 2012 meeting of the board for failing to demonstrate the required experience. The Notice of Intent to Deny was filed in July of 2012. Mr. Gusti timely requested board reconsideration.

After discussion the board voted to uphold the denial of the application.

#### **HOAR CONSTRUCTION, INC. – PETITION FOR DECLARATORY STATEMENT**

A representative from Hoar Construction, Inc., was present.

Mr. Biggins presented this case stating Hoar Construction, Inc. filed a petition for a declaratory statement on August 20, 2012. The petition was noticed in the Florida Administrative Weekly on September 7, 2012. Mr. Biggins noted the petition asks the Board whether a joint venture that contains at least one qualified contractor must first obtain bid authority under Rule 61G4-15.0022, Florida Administrative Code, before it can present to an owner a response to an RFQ that contains no construction cost or compensation information. Mr. Biggins asked the board to consider whether or not the petition meets the criteria for a declaratory statement, and to dismiss or answer as appropriate.



After discussion the board voted that the petitioner had standing, and issued a declaratory statement that a joint venture that contains at least one qualified contractor must first obtain bid authority under Rule 61G4-15.0022, Florida Administrative Code, before it can present to an owner a response to an RFQ that contains no construction cost or compensation information.

#### **SEAN HOLWAY – REQUEST FOR INFORMAL HEARING**

Mr. Holway was present.

Mr. Biggins presented this case stating Mr. Holway's application for initial licensure as a certified general contractor was denied at the August 2012 meeting of the board for failing to demonstrate the required experience. The Notice of Intent to Deny was filed in September of 2012. Mr. Holway timely requested board reconsideration.

After discussion Mr. Holway requested to downgrade the application to a certified building contractor's license. After further discussion the board voted to approve the application for a certified building contractor's license.

#### **ALFREDO MASSO – REQUEST FOR INFORMAL HEARING**

Mr. Masso was present with Counsel.

Mr. Biggins presented this case stating Mr. Masso's application for initial issuance of a certified general contractor's license was denied at the June 2012 meeting of the board for failing to demonstrate the required experience, failing to sufficiently demonstrate financial stability and responsibility, and because the application form appears to have violated Section 489.127 (1)(d), Florida Statutes, in that the applicant listed three-story building experience to satisfy the four story requirement. The Notice of Intent to Deny was filed in July of 2012. Mr. Masso timely requested board reconsideration.

After discussion the board voted to approve the application, contingent upon the applicant submitting either the licensing bond or an irrevocable letter of credit to satisfy the financial stability and responsibility requirements.

#### **LUIS PRATS – REQUEST FOR INFORMAL HEARING**

Mr. Prats was present.

Mr. Biggins presented this case stating Mr. Prats' application for initial issuance of a certified mechanical contractor's license was denied at the June 2012 meeting of the board for failing to demonstrate the required experience. The Notice of Intent to Deny was filed in July of 2012. Mr. Prats timely requested board reconsideration.

After discussion the board voted to approve the application.

## **PETE QUINTELA – PETITION FOR A DECLARATORY STATEMENT**

Mr. Quintela was present.

Mr. Biggins presented this case stating Mr. Quintela filed a petition for a declaratory statement on July 23, 2012. The petition was noticed in the Florida Administrative Weekly on August 3, 2012. Mr. Biggins stated the petitioner asked the board whether it is in the scope of a Class B air conditioning contractor to replace a 2 ton water cooled heat pump unit, which has been piped directly to the riser of a 500 ton water cooling tower; to replace a 2 ton water cooled heat pump unit, with shut off valves connected to the riser of a 500 ton water cooling tower; and to replace a broken shut-off valve feeding a water cooled 2 ton unit which is connected to the riser of a 500 ton water cooling tower. Mr. Biggins asked the board to consider whether or not the petition meets the criteria for a declaratory statement, and to dismiss or answer as appropriate.

After discussion the board voted the petitioner had standing, and answered that it is outside the scope of a Class B air conditioning contractor to replace a 2 ton water cooled heat pump unit, which has been piped directly to the riser of a 500 ton water cooling tower. Replacement of a 2 ton water cooled heat pump unit, with shut off valves connected to the riser of a 500 ton water cooling is permissible with the contractor's scope, but it is outside the contractor's scope to replace a broken shut-off valve feeding a water cooled 2 ton unit which is connected to the riser of a 500 ton water cooling tower.

## **ADOLFO REUTLINGER – REQUEST FOR INFORMAL HEARING**

Mr. Reutlinger was present.

Mr. Biggins presented this case stating Mr. Reutlinger's application to qualify an additional business entity was denied at the June 2012 meeting of the board for failing to appear as required by Rule 61G4-15.0021, Florida Administrative Code. The Notice of Intent to Deny was filed in July of 2012. Mr. Reutlinger timely requested board reconsideration.

After discussion the board voted to approve the application.

## **RAJESH SHARMA – REQUEST FOR INFORMAL HEARING**

Mr. Sharma was present with Counsel.

Mr. Biggins presented this case stating Mr. Sharma's application for initial issuance of a certified roofing contractor's license was denied at the July 2012 meeting of the board for failing to demonstrate the required experience. The Notice of Intent to Deny was filed in July of 2012. Mr. Sharma timely requested board reconsideration.

After discussion the board voted to reconsider the denial and allow the applicant to withdraw the application.

With nothing further to report the board voted unanimously to approve this report.

## **COMMITTEE REPORTS**

### **EXAMS/CE/PUBLIC AWARENESS COMMITTEE – ROY LENOIS**

Mr. Lenois gave the following report:

#### **Bloomer, Geri, & Company CPAs & Business Professionals**

1<sup>st</sup> Course: The Item List, the Heart of Quickbooks – **approved** (as 2 hours of business practice)

#### **Cam Tech School of Construction, Inc.**

1<sup>st</sup> Course: Financial Responsibility & Stability in Construction – **approved** (without laws & rules)

#### **Construction & Engineering School, Inc.**

1<sup>st</sup> Course: Financial Responsibility & Stability in Construction – **approved** (as general)

#### **Florida Consortium of Community Colleges**

1<sup>st</sup> Course: Florida Contractor's Business Law Course – **approved**

#### **Lorman Business Center, Inc., d/b/a Lorman Education Services**

1<sup>st</sup> Course: Building Codes – **approved**

#### **Malka & Kravitz, P.A.**

1<sup>st</sup> Course: Basics of Florida Construction Lien Law – **approved** (as business practice, not laws & rules)

#### **The National Center for Healthy Housing**

1<sup>st</sup> Course: Lead Certified Renovator Initial – **approved** (6 hours general, 1 hour workplace safety, 1 hour business practice)

#### **Suncoast Architecture & Engineering, LLC**

1<sup>st</sup> Course: Aluminum Structures Engineering and the Changes in the FBC – **approved**

#### **Versicat ITV d/b/a Adjuster Pro**

1<sup>st</sup> Course: General Contractor Principles & Ethics through Xactimate – **withdrawn**

2<sup>nd</sup> Course: Principles of General Contractor Estimating – **withdrawn**

#### **Judith Benson**

1<sup>st</sup> Course: Introduction to SMART Irrigation Controls – **approved**

#### **United Pool & Spa Association**

1<sup>st</sup> Course: Update of ADA Regulations for Swimming Facilities – **approved**

With nothing further to report the board voted unanimously to approve this report.

### **RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA**

Mr. Biggins gave the following report:

The following Rules required no further action:

61G4-15.001 Qualifications

The following rules have been **Developed:**

61G4-12.011 Definitions

The following Proposed Rules have been **Noticed:**

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants

The following Proposed Rules have been **Adopted:**

61G4-15.018 Certification of Glass & Glazing Contractors

### **FHCRF COMMITTEE – PAUL DEL VECCHIO**

The Florida Homeowners Construction Recovery Fund Committee convened on Wednesday, September 12, 2012 from 5:10 – 5:53 pm. A total of 26 claims were presented; 25 claims were approved for a total of \$483,058.03, and 1 claim was denied.

#### **APPROVED (25)**

2007-018406 – Sermons vs. Christy - **\$3,080.00**  
2008-000766 – Robertson vs. Caribbean Custom Homes, Inc. - **\$50,000.00**  
2007-050413 – Maldonado vs. American Pride Building Company, LLC - **\$14,363.39**  
2008-017873 – Levy vs. Cicero - **\$3,800.00**  
2007-052520 – Marmolejos vs. Turn Key Home Builders, Inc. - **\$50,000.00**  
2007-044737 – Olynger vs. American Pride Building Company, LLC - **\$23,135.00**  
2007-036613 – Springer vs. Placher - **\$4,897.72**  
2008-017854 – Mimms vs. Hurley - **\$4,891.33**  
2008-024226 – Thomas vs. Cicero - **\$2,617.20**  
2008-020202 – Gallucci vs. Transflorida Corp. - **\$2,794.21**  
2007-062598 – Reinkopf vs. Cicero - **\$4,400.00**  
2007-058943 – Turner vs. Janowsky - **\$27,356.00**  
2007-054961 – McRobert vs. Penna - **\$30,332.18**  
2008-035804 – Barnes vs. Gill - **\$13,000.00**  
2008-035402 – Cotton vs. Transflorida Corp. - **\$14,633.00**  
2008-037301 – Howley vs. Hurley - **\$13,068.00**  
2008-014018 – Polus vs. American Pride Building Company, LLC - **\$50,000.00**  
2006-067245 – Maraj vs. Vickers - **\$25,040.00**  
2007-045800 – Giessman vs. Eichelberger - **\$21,635.00**  
2008-023180 – Melnick vs. Cicero - **\$4,000.00**  
2007-041280 – Palscik vs. SSMF, Inc. - **\$4,165.00**  
2008-035817 – Phillips vs. Gill - **\$30,350.00**  
2007-048518 – Hutchinson vs. Markle Construction, Inc. - **\$17,500.00**  
2007-066172 – Wilkenson vs. Transflorida Corp. - **\$18,000.00**  
2008-035827 – Cyril vs. HH & Brogen Company, Inc. - **\$50,0000**

DENIED (1)

2007-062168 – Tomanio vs. HH & Brogen Company, Inc.

**AD HOC COMMITTEE – JERRY HUSSEY**

Mr. Hussey opened the Ad Hoc Committee meeting by introducing the topics to be discussed. The first topic is the creation of the voluntary certified irrigation specialty contractor's license. Appearing on behalf of the Florida Irrigation Society was Diane Ferguson, who provided the board the latest draft of the rule language defining the scope of work to be allowable under the voluntary certification. Ms. Ferguson explained that there were two primary changes from the previous draft presented to the board. The first change was a clarification of the scope of work allowed under the irrigation license, and to differentiate the scope of work from an underground utility contractor. Ms. Ferguson indicated that she has spoken with the Underground Utility Contractor's Association and that the language is acceptable to that organization. The second change is that verbiage was added which excluded irrigation systems used for agriculture purposes from the scope of the rule. Ms. Ferguson explained that this was done for clarification to the agricultural industry that this rule would not impose upon their industry.

Mr. Sheehan stated that he has been made aware of how environmentally inefficient irrigation contractors are, and that the board has never been provided with an estimate on what percentage of irrigation is for agricultural and commercial purposes, and what percentage of irrigation is for non-agricultural and commercial purposes. Mr. Sheehan stated based on what he has been told that agricultural and commercial irrigation constitutes over 80% of the irrigation in Florida. Mr. Sheehan stated that if this rule is going to leave over 80% of the industry unregulated then it makes no sense to create this license. Mr. Sheehan stated his numbers could be incorrect, but he would like to be provided with some numbers so that the board could make as informed a decision as possible. Ms. Ferguson responded stating she believes it's actually more 50%.

Ms. Watts indicated that the main intent in developing this license is to assist irrigation contractors to keep from having to go from jurisdiction to jurisdiction and obtain licenses in all those separate jurisdictions. Ms. Watts indicated she does have some issues with the verbiage in the most recent draft, specifically the changes to the scope of work. Ms. Watts stated her concerns stems from the fact that the current language could potentially be interpreted to mean that an irrigation contractor can connect to potable water past the water meter and could install backflow preventers, when in actuality only a plumbing contractor is allowed to connect to potable water. Mr. Sheehan stated he agrees with Ms. Watts, and that his concern from a previous meeting remains the same, and that issue is the point of creating this license should be to allow for a more uniform regulatory body to regulate the industry, which in turn will increase efficiency within the industry, increase conservation of water, etc. Mr. Sheehan stated that, if agricultural and commercial purposes are not regulated with this license, then only a relatively small percentage of irrigation contractors would obtain this license, which defeats the purpose of its creation. Mr. Sheehan stated that he does not feel there is a potential for consumer injury by irrigation contractors if this license is not created; therefore his main

issue is related to water conservation, which will not be addressed if the terms “agricultural and commercial” are left out of the rule language.

Ms. Ferguson attempted to address each concern individually. Ms. Ferguson stated that her understanding is that half of the water used for irrigation is used in agricultural purposes, and the other half is used for urban purposes. Ms. Ferguson stated that legally, they are prohibited from regulating the agricultural industry. That being said, the percentage of water being used for urban irrigation is still a significant portion and there is a definitely an environmental concern. Ms. Ferguson further clarified that creating this license would provide the industry with some regulatory relief, which is the main goal of them appearing before the Committee.

Ms. Ferguson then addressed Ms. Watts concern about irrigation contractors working with piping that contains potable water. Ms. Ferguson stated that she understands the concern, but that the language speaks specifically to the irrigation main line, and that she and the organization she represents are open to suggestions on how to change it. Mr. Del Vecchio stated he agrees with Ms. Watts in that the interpretation is too broad and ambiguous and that it will be subject to misuse, and he stated that once a judge makes an official interpretation, then people are stuck with that interpretation, regardless of whether or not it is correct. Mr. Del Vecchio stated he does not feel comfortable with this particular language because it does not address where the potable water ends and where the irrigation water begins. Mr. Korelishn asked if the words “dedicated appurtenance attached thereto downstream from the potable water meter” being included in the definition would satisfy the boards concerns. Ms. Watts stated it should be refined to say “dedicated backflow preventer”. Ms. Watts stated that, if the board is going to be clear, they need to be as clear as possible. Ms. Watts stated she wished to keep the words “potable water” out of it altogether because in South Florida a lot of the irrigation contractors have agreements with water purveyors that allow them to hook into potable water. Ms. Watts stated she did not want “potable water” to appear anywhere in the rule; both to limit possible misinterpretation of the definition, and not to impede on certain irrigation contractors who currently tap into potable water lines. Mr. Hussey stated that, as Mr. Del Vecchio pointed out, when and/or if it gets challenged by the legal community and the definition is not as specific as possible, then the Board could be in trouble. Ms. Watts stated that perhaps Mr. Bruce Kershner of the UCC could possibly come up with some language to appease both the issue with the underground utility contractors and the issue with the backflow preventers.

Mr. Lenois asked who typically installs backflow preventers. Ms. Watts answered that plumbers are the only contractors in the state of Florida who are allowed to hook to potable water and/or install backflow preventers. Ms. Ferguson stated that when they first crafted the rule, they went through as many local ordinances as they could find, and realized there are pretty much three “camps” on backflow preventers. Some local ordinances don’t mention backflow preventers at all in their scopes of work. Some of them specifically prohibit irrigation contractors from working on backflow preventers and state only a plumbing contractor can work on backflow preventers. And some of them specifically authorize irrigation contractors to work on backflow preventers, Tampa being one of the most notable places. Ms. Ferguson further stated that she would hate to come back to the Ad Hoc Committee again to figure this out, but that she would be willing to do so.

Mr. Winters stated that the purpose of the Ad Hoc Committee is to allow a dialogue to be established between the Board and the Florida Irrigation Society. If at some point the two parties feel that they are so close in agreement that rule development can begin, then they can choose to begin development on a rule. Mr. Biggins stated that it typically takes at least a year for a rule to be adopted. Mr. Biggins stated that if the board felt inclined to proceed with some type of rule development, then there's nothing stopping them from beginning that process. Mr. Evetts said he is ok with approving the rule for development, but does not want this language to be in the final version. Ms. Watts stated she would also like to see the process initiated. Mr. Del Vecchio stated he is not opposed to starting the process, but what he has been hearing makes him feel uncomfortable based on his experience. The board has legal requirements imposed by the federal government, state government, and the building code that all have precedence over what water purveyors desire. Mr. Del Vecchio stated if the water purveyors want to waive a requirement to allow irrigation contractors to work on backflow preventers, then that's their prerogative, but the board should not create a rule that facilitates that, and that the board should be complicit in something that is not legal.

Mr. Biggins then reminded the board that they need to be cognizant of any regulatory cost of a rule that is going to be adopted. Ms. Watts asked for an explanation of those potential costs, other than the Department's costs, which include the testing and the issuing of licenses, and discipline. Mr. Winters stated that they currently have estimates on the cost of developing the exam, which is about \$7,000. Mr. Winters stated that they have been provided a reasonable estimate that about 300 people would obtain this license, which would more than cover the costs to develop the exam. Mr. Winters also stated that, according to Section 489.118, Florida Statutes, specialty licenses are specifically excluded from grandfathering, so any individual wanting to obtain this license would need to take the state exam and make application with the Department.

Mr. Winters brought up what he believes is the final issue to be discussed is in regards to the definition of "irrigation main lines". Mr. Winters stated it's going to take a little bit of wordsmithing to get there, but the current definition includes this term, and it's ambiguous. Mr. Winters stated this needs further clarification by more knowledgeable people than himself.

Mr. Hussey stated that based on his understanding of the conversation that the board can probably move forward with rule development. Ms. Watts made a motion to proceed with rule development, which was seconded by Mr. Lenois. The board then voted unanimously to proceed with rule development.

Discussion then shifted to the creation of a voluntary specialty license for power generation and industrial facility contractors. Mr. Evetts stated that he does not, under any circumstance, want another limited/unlimited license. It causes too many problems with permitting. Mr. Winters provided the board members with a letter detailing the need for the license, and explained that this particular letter did not really define a potential scope of work for this license. Mr. Winters stated that the main issue he sees with the creation of this license is the difficulty that's going to arise when trying to limit the scope enough to differentiate it from a general contractor's license, but making it broad enough to encompass the type of work these individuals will want to perform. The people who

are seeking to obtain this license have a lot of experience doing their unique type of work, but it's just not something that the board can issue a general contractor's license for as the experience these individuals have gained just doesn't meet the requirements for a general contractor's license. Mr. Del Vecchio stated he is currently involved in a case where a consortium from out of state came into Florida to build an industrial facility for which they went through the process of the proposal and no one had a license. The company apparently assumed they would just get a license in Florida via endorsement and it turned out they could not. So, the company found themselves in a bad situation since the project was for \$130 million dollars. Mr. Del Vecchio stated that most of the projects to be undertaken with a license of this type will be of similar value and the scope of experience and the type of license that the board develops will have to match that scope of project. Mr. Del Vecchio stated he would feel very uncomfortable just putting together a license category that really does not define the scope of service and course of conduct of a person who has obtained that license. Mr. Winters stated he agrees 100% with Mr. Del Vecchio. Mr. Winters stated that the scope of work needs to be significantly more developed than what it currently is before the board can consider proceeding with rule development. Mr. Biggins stated that the board sees people all the time who have built houses for 4 years who can then obtain the general contractor's license and build these \$130 million projects, but people who have been building these projects for years can't obtain a general contractor's license because they don't have the "habitable structure" experience. Mr. Cathey stated that several years ago that the general contractor's license did not previously require experience to be obtained on habitable structures, and wondered why it was changed. It only required work on structures 48 feet or taller. Mr. Del Vecchio stated that he thinks habitable needs to be included in the current experience requirements, because anyone who has built or painted a bridge or parking garage would then qualify as a general contractor.

Mr. Winters stated that the main issue that needs to be determined today is if there is a substantial need for the creation of this license. Mr. Winters stated that if the board decides there is not enough need for it, then the board can choose not to develop it. Mr. Winters stated that in this particular case, multiple individuals have come before the board that have plenty of experience building these types of structures, but have been denied licensure because they do not have the experience on habitable structures. Mr. Winters stated that the board has two options; to create the limited CGC licenses that eventually turn into full CGC licenses, or to try and develop this specialty license. Mr. Winters said the main thing that needs to be determined today is whether or not sufficient needs for this license exists, and if it does, it can be brought back in front of the Ad Hoc Committee in the future. The board decided to continue with the process and to bring this back for further discussion at a future Ad Hoc Committee meeting.

With no further discussion the board voted to adjourn.

## **OLD BUSINESS**

Removal of old materials from laptop.

## **NEW BUSINESS**

No New Business was discussed.



With no further business the meeting was adjourned at 10:47 am.